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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,700	03/30/2004	Ram Asokan	9314-70	4087
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EXAMINER				
BATISTA, MARCOS				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,700

Applicant(s)

ASOKAN, RAM

Examiner

MARCOS BATISTA

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/19/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6, 8, 9, 11, 27, 29, 31, 32, 34 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6, 8, 9, 11, 27, 29, 31, 32, 34 and 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on 01/19/2009. Claims 2-6, 8, 9, 11, 27, 29, 31, 32, 34, 36-39 are still pending in the present application. This Action is made **FINAL**.

Response to Arguments

2. Applicant's arguments filed on 01/19/2009 regarding claims 2-6, 8, and 9 have been fully considered but they are not persuasive.

After carefully revising the office action pertinent to the present response and remarks, the following main point(s) have been identified:

The Applicant states that Koskinen does not disclose forwarding a notification message from the wireless terminal to the server over a circuit-switched channel and that the forwarding is not done using SMS bearer and via IP level connection other the SMS bearer (refer to sections A and B of the Applicant's remarks).

Koskinen clearly teaches forwarding a notification message from the wireless terminal to the server over a circuit-switched channel. At column 8 lines 22-32, Koskinen discloses "*If the user intends to answer the call, the wireless terminal MS transmits a corresponding reply message to the paging request (paging response) to the base station subsystem BSS (arrow 110). [0020] The base station subsystem BSS transmits a connection request further to the mobile switching centre MSC (arrow 111), wherein the mobile switching centre MSC transmits information about the interruption of the packet connection to the sewing GPRS support node SGSN (arrow 112).*" As stated above, if the user answers the incoming call, the MS will transmit a reply message to the base station which in term will notify the SGSN node about the

interruption of the packet connection. Regarding the forwarding not being done using SMS bearer and via IP level connection other the SMS bearer, Koskinen at column 1 lines 30-42 discloses *“mobile communication system, the possibility is under development for a packet-switched connection in addition to a convention circuit-switched connection. In the GSM mobile communication system, a so-called GPRS service (General Packet Radio Service) is under development, to implement this packet-switched connection. The GPRS service makes it possible to use e.g. the IP protocol (internet Protocol) as well as the X.25 communication protocol, the transmission of short messages (SMS, Short Message Service), the transmission of e-mail, as well as WAP applications (Wireless Application Protocol).”* As described above, the mentioned protocols are alternative communication mechanisms available for communicating information in the invention of Koskinen.

Therefore, the argued features are written such that they read upon the cited reference(s).

3. Applicant's arguments with respect to claims 11, 27, 29 and 36-39 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2-5, 8, 9, 27, 29 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Koskinen et al. (EP 1096813 A2).

Consider claim 2, Koskinen a wireless terminal participating in a packet-switched communication session to provide notice of receipt of an incoming circuit-switched call, the method comprising: (see **fig. 1a, col. 7 lines 28-32 and 56-58, col. 8 lines 1-13**): receiving a paging request associated with the incoming circuit-switched call (**see col. 7 lines 32-56**); and notifying a server associated with the packet-switched communications session that the wireless terminal has received the incoming circuit switched call (**see col. 7 line 58, col. 8 lines 1-13**), wherein notifying the server associated with the packet-switched communications session with at the wireless terminal has received the incoming circuit switched call comprises forwarding a notification message from the wireless terminal to the server over a circuit-switched channel (**see col. 6 lines 25-29**).

Consider claim 3, Koskinen discloses the invention of claim 2 above. Koskinen also discloses wherein the incoming circuit-switched call comprises a circuit-switched call transmitted over a GSM network, and wherein the circuit-switched channel is the SMS data bearer (see col. 1 lines 37-42, col. 6 lines 22-29).

Consider claim 4, Koskinen discloses the invention of claim 3 above. Koskinen also discloses wherein the notification message comprises a text message or an e-mail message transmitted over the SMS data bearer (see col. 1 lines 37-42).

Consider claim 5, Koskinen discloses the invention of claim 3 above. Koskinen also discloses wherein the notification message is forwarded via an IP level connection over the SMS

data bearer (see col. 1 lines 37-42).

Consider claim 8, Koskinen discloses the invention of claim 1 above. Koskinen also discloses notifying the server associated with the packet-switched communications session upon termination of the incoming circuit-switched call (see col. 9 lines 41-47).

Consider claim 9, Koskinen discloses the invention of claim 8 above. Koskinen also discloses wherein the notification forwarded upon termination of the incoming circuit-switched call is forwarded over a circuit-switched channel (see col. 6 lines 25-29, col. 9 lines 41-47).

Consider claim 27, Koskinen discloses a wireless communication terminal comprising: a transceiver; a packet-switched suspension notification circuit coupled to the transceiver that is configured to generate a notification message that is suitable for transmission as an e-mail message or a text message over a circuit switched SMS data bearer to a server controlling a packet-switched communications session when the wireless temporarily suspends participation in the packet-switched communications session (see col. 7 line 58, col. 8 lines 1-13, col. 1 lines 37-42); and a circuit-switched communications circuit, wherein the packet-switched suspension notification circuit generates the notification message in response to receipt of a circuit-switched page by the circuit-switched communications circuit (see fig. 2a, col. 7 lines 56-58, col. 8 lines 1-13).

Consider claim 29, this claim discusses the same subject matter as claim 27. Therefore, it

has been analyzed and rejected based upon the rejection to claim 27.

Consider claim 36, Koskinen discloses a wireless terminal participating in a packet-switched communications session to provide notice of receipt of an incoming circuit-switched call, the method comprising (see **fig. 1a, col. 7 lines 28-32 and 56-58, col. 8 lines 1-13**): receiving a paging request associated with the incoming circuit-switched call (see **col. 7 lines 32-56**); notifying a server associated with the packet-switched communications session over a circuit switched SMS data bearer channel that the wireless terminal has received the incoming circuit switched call (see **col. 1 lines 37-42, col. 7 line 58, col. 8 lines 1-13**); and forwarding a notification message from the wireless terminal to the server associated with the packet-switched communications session via a text message or an e-mail message that is transmitted over the circuit-switched SMS data bearer channel upon termination of the incoming circuit-switched call (see **col. 1 lines 37-42, col. 6 lines 25-29**); wherein the incoming circuit-switched call comprises a circuit-switched call transmitted over a GSM network (see **col. 1 lines 37-42, col. 6 lines 22-29**).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 6 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koskinen et al. (EP 1096813 A2), hereafter "Koskinen," in view of Nasielski et al. (US 20050041640 A1), hereafter "Nasielski."

Consider claim 6, Koskinen discloses the invention as in claim 1 above.

Koskinen, however, does not particular refer to wherein the notification message includes an identification associated with the wireless terminal.

Nasielski, in analogous art, teaches a notification message that includes an identification associated with a wireless terminal (see par. 0032 lines 6-9).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen and have it include a notification message that includes an identification associated with a wireless terminal, as taught by Nasielski. The motivation would have been in order to determine the proper routing of the call (see par. 0032 lines 6-9).

Consider claim 39, Koskinen discloses the invention as in claim 36 above. Koskinen, however, does not particular refer to wherein the notification message includes an identification associated with the wireless terminal and/or an estimate of the length of the incoming circuit-switched call.

Nasielski, in analogous art, teaches wherein the notification message includes an identification associated with the wireless terminal and/or an estimate of the length of the incoming circuit-switched call (see par. 0032 lines 6-9).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen and have it include wherein the notification message includes an identification associated with the wireless terminal and/or an estimate of the length of the incoming circuit-switched call, as taught by Nasielski. The motivation would have been in order to determine the proper routing of the call (see par. 0032 lines 6-9).

11. Claims 11, 31, 32, 34,37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koskinen et al. (EP 1096813 A2), hereafter “Koskinen,” in view of Levy et al. (US 20040142694 A1), hereafter “Levy.”

Consider claim 11, Koskinen discloses method for a wireless terminal participating in a packet-switched communications session to provide a notice of receipt of an incoming circuit-switched call, the method comprising (see fig. 1a, col. 7 lines 28-32 and 56-58, col. 8 lines 1-13): receiving a request associated with the incoming circuit-switch call (see col. 7 lines 32-56); notifying a server associated with the packet-switched communications session that the wireless terminal has received the incoming circuit switched call (see col. 7 line 58, col. 8 lines 1-13).

Koskinen, however, does not particular refer to notifying a remote terminal that the wireless terminal has temporarily suspended participation in the packet-switched communication session, wherein the packet-switched communication session comprises a push-to-talk session,

and wherein the remote terminal is another wireless terminal that was part of the push-to-talk session.

Levy, in analogous art, teaches notifying a remote terminal that the wireless terminal has temporarily suspended participation in the packet-switched communication session (see par. 0012 lines 17-22), wherein the packet-switched communication session comprises a push-to-talk session (see pars. 0002 lines 1-5, 0011 lines 8-17, 0012 lines 1-2), and wherein the remote terminal is another wireless terminal that was part of the push-to-talk session (see par. 0012 lines 17-22).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen and have it include notifying a remote terminal that the wireless terminal has temporarily suspended participation in the packet-switched communication session, wherein the packet-switched communication session comprises a push-to-talk session, and wherein the remote terminal is another wireless terminal that was part of the push-to-talk session, as taught by Levy. The motivation would have been in order to inform users engaged in a communication session about a service interruption so that they can properly re-establish the session (see par. 0003 lines 9-21).

Consider claim 31, Koskinen discloses the invention as in claim 2 above. Koskinen, however, does not particular refer to wherein the packet-switched communication session comprises a push-to-talk session.

Levy, in analogous art, teaches a packet-switched communication session comprises a push-to-talk session (see pars. 0002 lines 1-5, 0011 lines 8-17, 0012 lines 1-2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen and have it include a packet-switched communication session comprises a push-to-talk session, as taught by Levy. The motivation would have been in order to inform users engaged in a communication session about a service interruption so that they can properly re-establish the session (see par. 0003 lines 9-21).

Consider claim 32, Koskinen as modified by Levy discloses the invention as in claim 31 above. Koskinen also discloses wherein notifying the server associated with the packet-switched communication session that the wireless terminal has received the incoming circuit-switched call includes notifying the server that wireless terminal has suspended the push-to-talk session (see col. 7 lines 56-58, col. 8 lines 1-13).

Consider claim 34, Koskinen as modified by Levy discloses the invention as in claim 32 above. Koskinen also discloses wherein the circuit-switched channel is the SMS data bearer (see col. 1 lines 37-42, col. 6 lines 22-29).

Consider claim 37, Koskinen discloses the invention as in claim 36 above. Koskinen also discloses resuming the push-to-talk session under the existing Packet Data Protocol context after termination of the circuit-switched call (see col. 8 lines 3-7).

Koskinen, however, does not particular refer to wherein the packet-switched communications session comprises a push-to-talk session, wherein the server associated with the packet-switched communications maintains a Packet Data Protocol context associated with the

push-to-talk session throughout the duration of the circuit switched call.

Levy, in analogous art, teaches wherein the packet-switched communications session comprises a push-to-talk session, wherein the server associated with the packet-switched communications maintains a Packet Data Protocol context associated with the push-to-talk session throughout the duration of the circuit switched call (see pars. 0019 lines 1-14).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Koskinen and have it include wherein the packet-switched communications session comprises a push-to-talk session, wherein the server associated with the packet-switched communications maintains a Packet Data Protocol context associated with the push-to-talk session throughout the duration of the circuit switched call, as taught by Levy. The motivation would have been in order to inform users engaged in a communication session about a service interruption so that they can properly re-establish the session (see par. 0003 lines 9-21).

Consider claim 38, Koskinen as modified by Levy discloses the invention as in claim 37 above. Levy also teaches notifying a remote wireless terminal that is part of the push-to-talk session that the wireless terminal has temporarily suspended participation in the push-to-talk session (see par. 0012 lines 17-22). The motivation would have been in order to inform users engaged in a communication session about a service interruption so that they can properly re-establish the session (see par. 0003 lines 9-21).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Marcos Batista, whose telephone number is (571) 270-5209. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Marcos Batista/
Examiner

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617

04/20/2009